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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,252	11/20/2001	Yves Ramanzin	PHFR 000121	9627

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

PARSONS, CHARLES E

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 10/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,252

Applicant(s)

RAMANZIN, YVES

Examiner

Charles E Parsons

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/20/2003 have been fully considered but they are not persuasive. The applicant asserts that Yagasaki fails to teach using the closest temporal candidate frame regardless of the layer the candidate is in. This assertion is incorrect, and while Yagasaki is setting a flag when they are used, this does not preclude the fact that he does use the closes candidate. A careful reading of column 15 line 19 through column 16 line 4 clearly shows that he is using the closest candidate. The words immediately before and immediately after infer the closest one. Furthermore, he also clearly teaches that he can freely set which layer and VOP are employed therefore the capability of using the closest temporal candidate is present in Yagasaki.
2. The applicant also asserts the Chen does not disclose using the closest temporal candidate thus the claims are patentable. However, Chen was not used for that purpose, Chen was included in the rejection for the sole purpose of showing that Shape and texture information is the data being coded when coding base and enhancement layer image data. Yagasaki makes no mention of it because it's understood to be there by those of ordinary skill in the art. In other words an official notice could have been served.
3. While the claims have been amended, there are no additional elements added to the claims to place the application in a condition for allowance. Therefore the rejection set forth in the first office action stands.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagasaki et al in view of Chen et al.

Claim 1 and 4: For use in a video encoder comprising base layer coding means, provided for receiving a video sequence and generating therefrom base layer signals that correspond to video objects (VOs) contained in the video frames of said sequence and constitute a first bitstream suitable for transmission at a base layer bit rate to a video decoder, and enhancement layer coding means, provided for receiving said video sequence and a decoded version of said base layer signals and generating therefrom enhancement layer signals associated with corresponding base layer signals and suitable for transmission at an enhancement layer bit rate to said video decoder, a method for coding the VOs of said sequence comprising the steps of; (See Yagasaki figure 5)

(A) segmenting the video sequence into said VOs ; (See Yagasaki column 8 lines 32-46.)

(B) coding successive video object planes (VOPs) of each of said VOs, said coding step itself comprising sub-steps of coding the texture and the shape of said VOPs, said texture coding sub-step itself comprising a first coding operation without prediction for the VOPs called intracoded or I-VOPs, coded without any temporal reference to another VOP, a second coding operation with a unidirectional prediction for the VOPs called predictive or P VOPs, coded using only a past I- or P-VOP as a temporal reference, and a third coding operation with a bidirectional prediction for the VOPs called bidirectional predictive or B VOPs, coded using both past and future I- or P-VOPs as temporal references, said method being characterized in that the temporal reference of the enhancement layer P-VOPs is selected only as the temporally closest candidate, and the temporal references of the enhancement layer B-VOPs are selected as the two temporally closest candidates, in each of these two situations without any consideration of the layer these candidates belong to. (See Yagasaki column 7 lines 57-67, column 14 line 19 through column 15 line 14, while he does not specify that he is coding texture and shape information Chen

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clearly is. See Chen figure 1 items 137, 138 and 139 as well as column 5 lines 15-25, wherein he clearly teaches that at the time the invention was made Shape and Texture data was the data being manipulated when encoding Video objects. Therefore, it would have been obvious to one of ordinary skill in the art, to encode both the shape and texture data because as taught by Chen, it was a well known and efficient way of coding object data.)

Claim 2. Computer executable process steps stored on a computer readable medium and provided for carrying out a coding method according to claim 1. (See Yagasaki column 37 lines 39-65.)

Claim 3. A computer program product for a video encoder, for carrying out in said encoder the coding method according to claim 1, which product comprises a set of instructions which, when loaded into said encoder, causes it to carry out the steps of said method. (As shown above Yagasaki's invention could be carried out in software, therefore causing the computer it is loaded into to carry out the steps of said method is inherent.)

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

CEP

4.

ANDY RAO
PRIMARY EXAMINER